

HS HB 511 -- ELECTIONS (Deeken)

This substitute revises the election laws, predominately to facilitate compliance with the federal Help America Vote Act of 2002 (HAVA). In its main provisions, the substitute:

(1) Requires the Governor to appoint election commissioners who are not of the same political party as the Governor from a list submitted by the state committee of that party and authorizes the Governor to appoint additional nonvoting representatives to the boards of election commissioners (Section 115.027, RSMo);

(2) Specifies that federal funds may be used also for loan programs to the local election authorities and authorizes the Secretary of State to allow, rather than require, local election authorities to match the federal funds (Sections 115.074, 115.076, 115.098, and 115.801);

(3) Establishes a fund within the state treasury for grants to be used for election administration improvements and establishes a revolving loan fund to be used for improving the administration of elections through loans. The substitute also clarifies that the money deposited in the Elections Administration Improvements Fund may be transferred to the loan fund (Section 115.078);

(4) Establishes a statewide pool for election judges and requires election authorities, before appointing judges from another jurisdiction, to obtain written consent from the election authority of the jurisdiction where the prospective judges are registered to vote. In addition, employees of the state and boards are allowed to serve as election judges (Section 115.085);

(5) Clarifies that challengers and watchers must be registered voters from the jurisdiction of the election authority for which the challenger or watcher is designated (Sections 115.105 and 115.107);

(6) Prohibits a court from ordering an issue or candidate placed on the ballot less than six weeks prior to an election, except as otherwise authorized by law (Section 115.125);

(7) Includes technical changes from last year's bill (Sections 115.133, 115.135, and 115.277);

(8) Adds information to the registration form as required by Section 303(b)(4) of HAVA (Section 115.155);

(9) Requires election authorities to forward to the Secretary of State registration and other information in a manner that complies with HAVA (Section 115.157);

(10) Establishes the Missouri Voter Registration System to comply with Section 303 of HAVA. The substitute also includes voter registration verification provisions required by Section 303 of HAVA, clarifies the meaning of "commercial purposes," and specifies that local election authorities must forward data in accordance with the requirements of HAVA (Section 115.158);

(11) Adds provisions concerning identification requirements and fail-safe voting for mail-in registrants as required by Section 303 of HAVA (Section 115.159);

(12) Defines "overseas voter" (Section 115.275);

(13) Makes changes relating to uniformed and overseas citizens as required by Sections 703, 704, 705, and 707 of HAVA (Section 115.279);

(14) Allows election authorities to deliver absentee ballots not earlier than 10 weeks before an election. Current law allows the ballots to be delivered not earlier than six weeks (Section 115.284);

(15) Clarifies language regarding confined voters, requires a team to deliver absentee ballots to confined voters, and changes the color of a stamp on the ballot envelope (Section 115.287);

(16) Specifies that a special write-in absentee ballot may be requested for special or primary federal elections in addition to general elections (Section 115.292);

(17) Adds language concerning voter education provisions as required by Section 302(b) of HAVA (Section 115.417);

(18) Clarifies that a provisional ballot cast at the wrong polling place will not be counted as authorized by Section 302(a)(4) of HAVA; requires the Secretary of State to ensure that a toll-free access system for provisional voters is established; and addresses the handling of ballots for voters who vote after the polls close, which is required by Section 302(c) of HAVA (Section 115.430);

(19) Changes the month for the presidential primary from March to February (Section 115.761);

(20) Adds new language intended to facilitate fair ballot language on statewide measures (Section 116.025);

(21) Modifies procedures for the review and approval of ballot summaries, fiscal notes, and fiscal note summaries for measures placed on the ballot by the General Assembly and for petitions

being circulated for signatures to place measures on the ballot. Any court challenge to a ballot summary, fiscal note, or fiscal note summary must state the reason or reasons they are insufficient or unfair. If the court considers a fiscal note or fiscal note summary, it will either certify the note or summary to the Secretary of State or remand the fiscal note or fiscal note summary to the State Auditor for revision. If a fiscal note or fiscal note summary is found to be insufficient by the Attorney General, the note or summary will be returned to the State Auditor for revision (Sections 116.175 and 116.190);

(22) Makes the establishment of training courses for election judges mandatory rather than discretionary and requires that the courses include substantially the curriculum developed by the Secretary of State in accordance with HAVA (Section 115.103);

(23) Changes the opening filing date from the fifteenth Tuesday to the sixteenth Tuesday prior to an election for an office in a political subdivision or special district (Section 115.127);

(24) Clarifies that notary publics cannot charge or collect a fee for notarizing absentee ballots or absentee voter registrations, repeating language already in current law, Section 486.350 (Section 115.283); and

(25) Requires that the annual general operating expenditures from the general revenue fund of Platte County or any city in Platte County be subject to the budgeting approval of the county or city governing body to ensure expenditures reasonable and necessary to adequately fund elections (Section 115.073).

FISCAL NOTE: Estimated Net Cost to General Revenue Fund of \$37,009 in FY 2004, \$40,811 to Unknown in FY 2005, and \$41,833 to Unknown in FY 2006. Unknown cost is for State's 5% match and is expected to exceed \$100,000. Estimated Net Cost to Highway Fund of \$16,800 in FY 2004, \$0 in FY 2005, and \$0 in FY 2006.